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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. S-359

ERLYN OSEO SALVADOR
335 E. 228th Street
Carson, CA 90745

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about June 24, 2005, the Respiratory Care Board of California (Board), received an application for a Respiratory Care Practitioner License from Erlyn Oseo Salvador (Respondent). On or about June 10, 2005, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on November 22, 2005.

JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless

1 otherwise indicated.

2 4. Section 3710 of the Code states: "The Respiratory Care Board of
3 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3,
4 the Respiratory Care Practice Act]."

5 5. Section 3718 of the Code states: "The board shall issue, deny, suspend, and
6 revoke licenses to practice respiratory care as provided in this chapter."

7 6. Section 3732, subdivision (b) of the Code states:

8 "The board may deny an application, or may order the issuance of a license
9 with terms and conditions, for any of the causes specified in this chapter for
10 suspension or revocation of a license, including, but not limited to, those causes
11 specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761."

12 7. Section 3750 of the Code states:

13 "The board may order the denial, suspension or revocation of, or the
14 imposition of probationary conditions upon, a license issued under this chapter, for
15 any of the following causes:

16 " . . .

17 "(g) Conviction of a violation of any of the provisions of this chapter or of
18 any provision of Division 2 (commencing with Section 500), or violating, or
19 attempting to violate, directly or indirectly, or assisting in or abetting the violation of,
20 or conspiring to violate any provision or term of this chapter or of any provision of
21 Division 2 (commencing with Section 500). . . ."

22 8. Section 3750.5 of the Code states:

23 "In addition to any other grounds specified in this chapter, the board may
24 deny, suspend, or revoke the license of any applicant or license holder who has done
25 any of the following:

26 " . . .

27 "(b) Used any controlled substance as defined in Division 10 (commencing
28 with Section 11000) of the Health and Safety Code. . . ."

1 CAUSE FOR DENIAL OF APPLICATION

2 (Use of a Controlled Substance)

3 14. Respondent's application is subject to denial under Code sections
4 3750, subdivision (g) and 3750.5, subdivision (b), in conjunction with section 3732,
5 subdivision (b), in that she used the controlled substance methamphetamine. The
6 circumstances are as follows:

7 A. On October 15, 1999, a Los Angeles County Deputy Sheriff
8 observed that respondent appeared to be upset as she was walking quickly in the
9 parking lot of a motel. When the deputy spoke to her, he observed that her pupils
10 were dilated and her movements were fidgety. She was sweating profusely and was
11 constantly licking her lips as though her mouth was dry. The deputy recognized
12 these symptoms to be consistent with stimulant intoxication. When she was asked
13 for identification, she told the deputy her identification was in her purse in the motel
14 room. The deputy found a small red cannister containing an off-white crystalline
15 substance resembling methamphetamine in her purse. She admitted the cannister
16 belonged to her. She further admitted she used some "crystal" (street name for
17 crystal methamphetamine) that evening. Respondent was arrested for use and
18 possession of a controlled substance.

19 B. On October 19, 1999, a complaint was filed against respondent in a
20 criminal proceeding entitled *People v. Evelyn Oseo Salvador*, in Municipal Court,
21 Los Angeles County, Case Number 9CM07908, charging her with possession of a
22 controlled substance, methamphetamine, a violation of Health and Safety Code
23 section 11377(a), a misdemeanor (count 1), and use/under the influence of a
24 controlled substance, methamphetamine, a violation of Health and Safety Code
25 section 11550(a), a misdemeanor (count 2).

26 C. On November 30, 1999, respondent pled guilty to use/under the
27 influence of a controlled substance, count 2. The court granted deferred entry of
28 judgment and respondent was placed on diversion for three years. She was ordered

1 to pay a diversion restitution fee of \$100.00, an administrative fee of \$100.00 and to
2 enroll in an approved narcotics treatment program. Count 1 of the complaint was
3 dismissed. On May 30, 2000, the court vacated the order for payment of the
4 \$100.00 diversion restitution fee.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters
7 herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

8 1. Denying the application of Erlyn Oseo Salvador for a Respiratory
9 Care Practitioner License;

10 2. Directing Erlyn Oseo Salvador to pay the Respiratory Care Board of
11 California the costs of the investigation and enforcement of this case, and if placed on
12 probation, the costs of probation monitoring;

13 3. Taking such other and further action as deemed necessary and
14 proper.

15 DATED: March 13, 2006

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18 Original signed by Liane Zimmerman for:
19 STEPHANIE NUNEZ
20 Executive Officer
21 Respiratory Care Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant
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